

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

1-27-16

COMMITTEE ON JUDICIARY

Report of Regular Meeting
Wednesday, January 27, 2016
House Hearing Room 3 -- 10:00 a.m.

Convened 10:02 a.m.

Recessed

Reconvened

Adjourned 10:36 a.m.

Members Present

Mr. Frieze
Mr. Hale
Mr. Kern
Mr. Mesnard
Mr. Borrelli, Vice-Chairman
Mr. Farnsworth, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

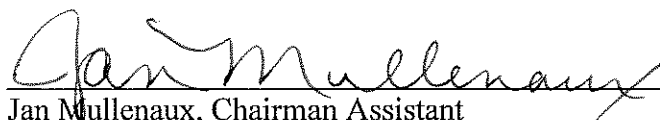
Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u> <u>(Summaries,</u> <u>Amendments, Roll Call,</u> <u>Attendance)</u>
HB2015	DPA	5-0-0-1	3, 4, 5
HB2031	DP	6-0-0-0	6, 7
HB2224	DPA	4-2-0-0	8, 9, 10
COMMITTEE			11
ATTENDANCE			


Jan Mullenau, Chairman Assistant
January 27, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

COMMITTEE ON JUDICIARY
Wednesday, January 27, 2016

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

Convened 10:02 am
adjourned 10:36 am

REGULAR MEETING AGENDA

COMMITTEE ON JUDICIARY

DATE Wednesday, January 27, 2016

ROOM HHR 3

TIME 10:00 A.M. NOTE TIME
CHANGE
9:00 A.M.-

Members:

Mr. Friese
Mr. Hale

Mr. Kern
Mr. Mesnard

Mr. Borrelli, Vice-Chairman
Mr. Farnsworth E, Chairman

Bills	Short Title	Strike Everything Title
HB2015	<u>200</u> publicity pamphlets; counties; municipalities (Stevens)	
	<u>5-0-0-1</u> JUD, RULES	
HB2031	<u>dp</u> liquor purchases; other state identification (Borrelli; Boyer, Fann, et al)	
	<u>6-0-0-0</u> JUD, RULES	
HB2224	<u>dpr</u> private firearm transactions; prohibited encumbrances (Lawrence, Borrelli, Cobb, et al)	
	<u>4-2-0-0</u> JUD, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

jm
1/21/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Judiciary (1/27/2016)

HB2015, publicity pamphlets; counties; municipalities

Support:

Eric Spencer, AZ SECRETARY OF STATE; Trey Williams, Arizona Association Of Counties

All Comments:

Trey Williams, Arizona Association Of Counties: Support with addition of the Farnsworth amendment.

HB2031, liquor purchases; other state identification

Neutral:

Lee Hill, representing self

All Comments:

Lee Hill, Self: Dir Cocca and I are here

HB2224, private firearm transactions; prohibited encumbrances

Testified in support:

John Wentling, Vice President, Arizona Citizens Defense League; Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; Rick Dalton, representing self

Support:

Thomas Woodrow, representing self; Elisha Dorfsmith, representing self; Frederick Dahnke, representing self; Eric Orrill, representing self; Tom Holding, representing self; Lyle Tuttle, representing self; Richard Hofelich, representing self; Janelle Solomon, representing self; Jose Borrajero, representing self; A. J. Urso, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; James delton, representing self; James Collins, representing self; JUDITH MARSHALL, representing self; Susan Dahnke, representing self; martha hayes, representing self; J.R. Morris, representing self; Nan Nicoll, representing self; Patrick OMalley, representing self; William Batchelor, representing self; Sandi Bartlett, representing self; Craig Wisnom, representing self; Todd Vosper, representing self; Gary Hummel, representing self; David Pool, representing self; Linda Quinn, representing self; Joe Dawson, representing self; Dumoan Lee, representing self; William Moe, representing self; Fred Bridges, representing self; Lon Robinson, representing self; Edward Surowiec, representing self; Steven Packard, representing self; David Cardon, representing self; Sallie L Baldwin, representing self; David Thompson, representing self; Denise Van Hulle, representing self; Richard Segui, representing self; Philip Hubacek, representing self; RICCI NIELSEN, representing self; Albert Turk, representing self; Harold Shull, representing self; Ronald Neprily, representing self; Jim Dutton, representing self; kurt keltner, representing self; Julie Revilla, representing self; R Mark Russell, MD, representing self; Marc Cooley, representing self; Bernard Hopf,

representing self; Scott Enderle, representing self; Paul Knutson, representing self; Daniel Salerno, representing self; Terry Ristig, representing self; todd hills, representing self; Paul Richmond, representing self; Ryan Martinez, representing self; David Richardson, representing self; Carey Ricard, representing self; David Steven, representing self; Michael Kinatader, representing self; Richard McMains, representing self; Craig Bergman, representing self; Chris Tennant, representing self; Dave Bair, representing self; Bill Wingard, representing self; Donna Willis, representing self; Mark Lunario, representing self; Chris Michels, representing self; bill braxton, representing self; Todd Chesney, representing self; Rick Privette, representing self; Charles Wood, representing self; Michael Berryman, representing self; Sandra Thoms, representing self; Daniel Cassidy, representing self; Paul Godown, representing self; Michael Gibbs, representing self; Carlton Baxter, representing self; David Schafranka, representing self; Kenneth W. Gareau, representing self; Barbara Gareau, representing self; Tom Thomas, representing self; Gordon Dolley, representing self; Johnathan Carroll, representing self; Michael Halbur, representing self; Randal Scott, representing self; Paul Klein, representing self; michael wilkins, representing self; Brandy Baron, representing self; Warren Michelsen, representing self; Corey Spofford, representing self; Purdy Hart II, representing self; Dwayne Roberts, representing self; Steve Baker, representing self; Merle Cunningham, representing self; Gary Spegal, representing self; Kenneth Rasbach, representing self; Patrick Baldwin, representing self; Craig House, representing self; Roland Sleater, representing self; John Semon, representing self; Scott Heggem, representing self; David West, representing self; george kundert, representing self; Paul Nicholls, representing self; Jeffrey Horton, representing self; steve beckman, representing self; Richard L. Anderson, representing self; Michael Wixom, representing self; Alan and Marsha Anderson, representing self; william cattell, representing self; Tim Jones, representing self; Jack DeBell, representing self; Billie Bollwinkel, representing self; Ronald Kopf, representing self; johnny ware, representing self; Jason Boulware, representing self; Stan Donovan, representing self; Walter Graham, representing self; Walter Graham, representing self; Walter Graham, representing self; Walter Graham, representing self; Michael Schmitz, representing self; James Warniers, representing self; Gerald Aronica, representing self; Robert Wininger, representing self; Shawn T Waldmann, representing self; Don Page, representing self; Russ Southern, representing self; Dominick Leo, representing self; Steve Sorgnit, representing self; Maurice Horner, representing self; David Williams, representing self; Josh Hoffman, representing self; Michael Kriegel, representing self; Charles Stewart, representing self; Dennis Hall, representing self; Linda Burkow, representing self; Theodore Farmer, representing self; John Fischer, representing self; Robert Shimizu, representing self; GEORGE MARSHALL, representing self; John Foote, representing self; Rogelio Hermosillo, representing self; Drake Mitchell, representing self; Lawrence Wangler, representing self; Jonathan Massey, representing self; Sean Pearce, representing self; Todd Rathner, Arizona State Rifle And Pistol Association; Donald Calabro, representing self; Alan Owens, representing self; Daniel Reid, National Rifle Association; Bryan Lee Briggs, representing self; Russ Hinis, representing self; James Hinkle, representing self

Oppose:

Karen Peters, representing self; Rivko Knox, representing self; Dennis Godfrey, representing self

All Comments:

Thomas Woodrow, Self: No political subdivision shall have the tax authority on any constitutionally enumerated right. Any fee of tax is an impediment of that protected right. Please vote YES; Elisha Dorfsmith, Self: I strongly support this common sense legislation protecting the rights of law abiding gun owners.; John Wentling, Arizona Citizens Defense League: Strongly support this bill to protect the private proprty rights of firearms owners; Lyle Tuttle, Self: get the Feds OUT of control!!; A. J. Urso, Self: I Strongly support; Rick Dalton, Self: This bill further protects the pre-existing rights of citizens to be able to defend themselves and their families.; james delton, Self: I support this bill to prevent unwarranted and purposely punitive fees being added.; James Collins, Self: I strongly support this legislation which will maintain our 2nd Amendment rights to hold and bear arms as stated in the

constitution.; JUDITH MARSHALL, Self: I strongly support HB2224; Karen Peters, Self: Another ridiculous fear generated Citizen's Defense League bill, VOTE NO!; J.R. Morris, Self: I strongly encourage passage of this bill.; Nan Nicoll, Self: Private transactions of any kind should not be taxed by government on any level. Our Constitution protects our right to bear arms. No statutory law trumps our God given rights.; Craig Wisnom, Self: I strongly support this Bill.; Todd Vosper, Self: Transfer of personal property should not be subject to any encumbrances as a general rule. Firearms in particular, as they are often targeted for political motives rather than objective reasoning, require increased scrutiny.; Dumoan Lee, Self: Please support this bill. It will prevent others from doing and end around the 2nd Amendment by nefarious means. Thank you; Fred Bridges, Self: There is too much infringement now.; Sallie L Baldwin, Self: I am in favor of this bill. I believe that a yes vote is in the best interest of the citizens of Arizona.; David Thompson, Self: Private firearms transactions are private. Too much government as it is. Thanks!!; Philip Hubacek, Self: I feel the private transfer of firearms should not be burdened by any additional fee, tax, assessment, lien or other encumbrance by any political entities.; Harold Shull, Self: This bill would keep the exchange of a piece of property, legally owned, between friends or relatives from becoming another gun registration program. Of necessity that would mean another bureaucracy, negating any funding gain to a loss.; Ronald Neprily, Self: I am in favor of this bill.; Jim Dutton, Self: Please support this bill and stop any infringement of our rights protected by the 2nd Amendment; kurt keltner, Self: please pass hb 2224. I appreciate your support. thank you; Julie Revilla, Self: this is a good bill and you need to support it. We are watching.; R Mark Russell, MD, Self: I stronly support this bill, which would prohibit the private transfer of a firearm from being subject to "any additional fee, tax, assessment, lien or other encumbrance" by the state or any political subdivision.; Marc Cooley, Self: I strongly support H2224 as it limits the ability of government to tax and track the private sale of private property. Please help preserve the freedom of all Arizonans by voting for H2224. Thank you; Bernard Hopf, Self: I support the free, unencumbered private transfer of firearms. This bill will protect that.; Daniel Salerno, Self: The 2nd Amendment to the US Constitution along with the Arizona State Constitution both guarantee the right to arms. As a nation and as a people we should be against burdens placed on this sacred right whenever they rear their ugly head.; Terry Ristig, Self: We have enough laws already.; todd hills, Self: Arizona is the great example of how our 2nd amendment should be treated by govt. pass this legislation to affirm non-infringement of that very important God given right, thank you.; David Richardson, Self: Please move forward for approval of this bill.; David Steven, Self: 35 years of service. I know a thing or two about safety. David Steven, Special Agent (RET).; Richard McMains, Self: This bill prevents unwarranted intrusive actions in private sales in the case of firearm transactions.; Bill Wingard, Self: Citizens don't wish to be taxed when selling their firearms; Donna Willis, Self: I support this bill.; bill braxton, Self: Its the right choice for lawful citizens; Todd Chesney, Self: Such encumbrances are likely to amount to de-facto firearm registration and must be avoided.; Michael Berryman, Self: I support HB2224.; Daniel Cassidy, Self: Shall not be infringed... This bill affirms the right of Arizonans to bear arms in defense of one's self, their family, or the State.; Paul Godown, Self: Please allow us to keep our freedoms and the right to have private property and the transference of that property.; Michael Gibbs, Self: A critical aspect of the right to keep and bear arms is the ability to acquire them in the first place. The AZ Constitution prohibits impairment of that right by the state. This bill reinforces that guarantee by prohibiting financial penalties.; Carlton Baxter, Self: This bill is important and would appreciate your support.; Kenneth W. Gareau, Self: "Shall not be infringed" means just that, no restrictions on an inalienable right!; Tom Thomas, Self: I support this bill on the grounds of the second amendment but also why make it harder to sell or transfer a firearm I own to say my son or grandson, brother or close friend. why penalize me There should be no hindrances or penalties encumbrances.; Gordon Dolley, Self: I will be for any bill that will not require any additional laws that will have a negative effect on our 2nd amendment; Johnathan Carroll, Self: With todays current climate and the federal governments executive branch continued overreach, I feel that we need to continue to initiate protections on a state level. HB 2224 is one such bill that I feel will aid in protecting the citizens of AZ.; Michael Halbur, Self: I strongly support this legislation.; Randal Scott, Self: This is a good bill please make it happen. Thanks; Brandy Baron, Self: I support this bill because I consider "any

additional fee, tax, assessment, lien or other encumbrance” on private transfers of firearms to be just another way for government to invade my privacy, shove their hand in my pocket & infringe on 2A rights; Warren Michelsen, Self: Private means private. The state need not be involved.; Corey Spofford, Self: Thank You for taking my support of this bill in consideration.; Purdy Hart II, Self: I support this Bill.; Merle Cunningham, Self: This bill is common sense legislation that protects my firearm and property rights. We do not need another new tax that negatively impacts our rights; Gary Spegal, Self: Modify Bill of Rights? Why? The framers and ratifiers of the Constitution did not intend any single state or political subdivision, elected or appointed, to modify the document.; Patrick Baldwin, Self: I strongly Support this bill. It is critical to the protection of our shooting heritage here in AZ. Thank you for your support of this bill.; Craig House, Self: I support this bill; John Semon, Self: We cannot allow anyone to take our rights away and this will help protect us; Scott Heggem, Self: It is important that our second amendment rights not be infringed. Following the lead of Washington State and taxing private sales of firearms is simply a way to circumvent the will of the people and the constitution. Please support HB 2224.; David West, Self: Please support passage of HB 2224. I believe that this bill is necessary to prevent the private transfer of a firearm from being subject to “any additional fee, tax, assessment, lien or other encumbrance” by the state or other political subdivision.; George Kundert, Self: PLEASE ADVANCE THIS BILL WITH A MOST FAVORABLE RECOMMENDATION; Paul Nicholls, Self: I strongly support this bill.; Alan and Marsha Anderson, Self: We fully support this bill and encourage its passage into law. There are too many political subdivisions and groups attempting to interfere with our legal and constitutional rights by enacting local laws/regulations. Please pass this bill into law; William Cattell, Self: there are far too many laws on guns now that are not enforced, don't make more that are not going to improve anything.; Billie Bollwinkel, Self: Please support our rights.; Johnny Ware, Self: stop the discrimination against law abiding citizens!!; Stan Donovan, Self: As a registered voter, I strongly believe no firearm transfer should be subject to “any additional fee, tax, assessment, lien or other encumbrance” by the state or political subdivision. Thank you.; Walter Graham, Self: "The peoples right to keep and bear arms shall NOT be infringed!" Respectfully, W. Graham; Walter Graham, Self: "The peoples right to keep and bear arms shall NOT be infringed!" Respectfully, W. Graham; Walter Graham, Self: "The peoples right to keep and bear arms shall NOT be infringed!" Respectfully, W. Graham; Walter Graham, Self: "The peoples right to keep and bear arms shall NOT be infringed!" Respectfully, W. Graham; Michael Schmitz, Self: I am opposed to more regulations on firearm ownership.; James Warniers, Self: As an Army veteran, I am in full support of this bill.; Robert Wininger, Self: I support 2224; Shawn T Waldmann, Self: Just common sense!; Don Page, Self: passing HB2224 ensures our 2nd Amendment rights; Russ Southern, Self: The state must protect the rights of lawful firearm owners. We have already seen that some cities consider themselves above the legislature on gun issues. And others, not even in Arizona, would seek to impose their misguided views on us. Stand firm.; Dominick Leo, Self: I believe we have more than enough gun laws, especially those restricting good citizens that are NOT law breakers; Steve Sorgnit, Self: I support this bill. No government or municipality has the authority to restrict a Constitutional Right.; David Williams, Self: We do not need any additional Gun Registrations or fees imposed on Gun owners. Lets keep them from happening by supporting this bill.; Dennis Hall, Self: I encourage you to pass this bill.; Robert Shimizu, Self: Let us not encumber the transfer of private property between individuals in any way.; Dennis Godfrey, Self: If I buy a vehicle privately I have to register the vehicle and pay appropriate fees. Why shouldn't the same apply to firearms? Pandering to special interests is not and never will be good government.; GEORGE MARSHALL, Self: We strongly support HB 2224. Arizonans run our legislative body and not outsiders like Michael Bloomberg who would abuse our elective process.; John Foote, Self: This bill would add yet another layer of protection for our treasured firearms freedoms. Those freedoms have been and will ever be under continuing assault from those who would seek to remove our freedoms by incrementally encumbering their exercise.; Rogelio Hermosillo, Self: The more we trample on constitutional rights, the greater the loss of our precious freedoms.; Drake Mitchell, Self: “In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights.” –JAMES MADISON. The Founders were extremely concerned with protecting private property as a cornerstone of a free society.; Sean Pearce, Self: I

support HB2224; Alan Owens, Self: Please note that I support HB2224.; James Hinkle, Self: Prevent "infringement"
IAW 2nd amendment to U.S. Constitution



HOUSE OF REPRESENTATIVES

HB 2015

publicity pamphlets; counties; municipalities
Prime Sponsor: Representative Stevens, LD 14

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2015 prohibits the mailing of early ballots in local initiative or referendum elections if the publicity pamphlet has not yet been mailed and prescribes penalties for contractors who mail pamphlets after early balloting begins.

PROVISIONS

1. Prohibits an election officer from mailing early ballots for an initiative or referendum election in a county, city or town until at least one day after the last day that the publicity pamphlets are mailed.
2. Requires any contract for publicity pamphlet publication or mailing to contain a penalty for each day of mailing that occurs either on or after the earliest day that early ballots are received by voters.
 - a. Prescribes a penalty of \$1 per day, per each household with a registered voter.
 - b. Monies are paid to the office of the elections officer.
3. Contains a delayed effective date of January 1, 2017.
4. Makes technical, clarifying and conforming changes.

CURRENT LAW

A.R.S. § 19-141 outlines the process for initiatives and referendums in counties, cities and towns. Subsection B requires the city or town clerk or the county election officer to distribute publicity pamphlets to every household where a registered voter resides. This must be accomplished before the earliest date that registered voters may receive an early ballot. If the pamphlet is not mailed before that date, the election officer must include with the early ballot information on when the publicity pamphlet will be mailed and where the pamphlets may be accessed or viewed. This section prohibits the mailing of pamphlets less than 10 days before the election. General publicity pamphlet procedures are provided in A.R.S. § 19-123.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2015

(Reference to printed bill)

- 1 Page 1, strike lines 27 through 29
- 2 Line 30, strike "PAMPHLETS ARE MAILED" insert "provide a notice with the early
- 3 ballots stating when the pamphlets will be mailed and where and when the
- 4 pamphlets may be accessed or viewed"
- 5 Amend title to conform

EDWIN W. FARNSWORTH

2015FARNSWORTH E
01/22/2016
03:26 PM
H: kp/ajh

Attachment 4

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials <u>XP</u>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. _____ HB 2015

DATE _____ January 27, 2016 _____ MOTION: apa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard					1
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		5	0	0	1

APPROVED:



EDWIN W. FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 5



HOUSE OF REPRESENTATIVES

HB 2031

liquor purchases; other state identification
Prime Sponsor: Representative Borrelli, LD 5

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2031 modifies the list of acceptable identification required for the sale of alcohol by removing the requirement for out-of-state driver and nonoperating licenses to be reissued after a person turns 21 years of age.

PROVISIONS

1. Outlines valid forms of identification for purposes of selling, purchasing or serving alcohol as follows:
 - a. An unexpired driver or nonoperating license issued by the State of Arizona that either:
 - i. Was reissued after the person's 21st birthday;
 - ii. Is within 30 days of the person's birthday.
 - b. An unexpired driver's license issued by another state, the District of Columbia, a territory of the United States or Canada,
 - c. Identification issued by another state, the District of Columbia, a territory of the United States or Canada that is substantially parallel to a nonoperating license issued by the State of Arizona.
2. Makes conforming changes.

CURRENT LAW

A.R.S. § 4-241 details the proper identification required to purchase alcohol in Arizona as follows: an unexpired driver or nonoperating license from any state, the District of Columbia, any territory owned by the United States or Canada that has been reissued on or after the person's 21st birthday, unless it is within 30 days of the person's birthday. A.R.S. § 4-246 states that a person violating any provision in this title is guilty of a Class 2 misdemeanor (up to four months in jail, fine of \$750 plus surcharges).

A.R.S. § 28-3166 requires a driver license that has been issued prior to the individual's 21st birthday to be marked by a color, code or design to immediately distinguish it from other licenses. Additionally, the license of a person must also be marked with the year in which that person will turn 21.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2031

DATE January 27, 2016 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese		✓			
Mr. Hale		✓			
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		6	0	0	0

APPROVED:



EDWIN W. FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 7



HOUSE OF REPRESENTATIVES

HB 2224

private firearm transactions; prohibited encumbrances

Prime Sponsor: Representative Lawrence, LD 23

X Committee on Judiciary

Caucus and COW

House Engrossed

OVERVIEW

HB 2224 states that private-party firearm transfers between persons who are allowed to possess a firearm under federal law are not subject to fees, taxes or assessments imposed by the state or political subdivisions.

PROVISIONS

1. Prohibits the state or any political subdivision from charging / levying a fee, tax, assessment, lien or other encumbrance on the transfer of a firearm between two private parties who are allowed to possess the firearm under federal law.
2. Defines *firearm*, *private party* and *transfer*.

CURRENT LAW

A.R.S. § 13-3108 prohibits any political subdivision of the state from enacting any ordinance, rule or tax relating to the sale, transfer, purchase, acquisition or gift of firearms, ammunition, related components or accessories. The statute exempts privilege or use tax on the retail sale, lease or rental of firearms, ammunition or related components at a rate that generally applies to other items of tangible personal property (Subsection G, paragraph 1). Additionally, A.R.S. § 13-3118 prohibits any state agency or political subdivision from enacting or implementing any law, rule or ordinance relating to the possession, transfer or storage of firearms that isn't provided for in statute, with specific exemptions. The statute does not specifically address taxes, fees, assessments or encumbrances as related to firearm transfers.

Federal law (18 USC § 922(g)) designates certain persons as being unable to ship, transport or possess firearms. The federal statute is slightly different from the state definition of a *prohibited possessor* under (A.R.S. § 13-3101(7)). Included in the federal definition but not in the state definition are persons who:

- Use or are addicted to controlled substances;
- Have received a discharge from the Armed Forces under dishonorable conditions; or
- Are the subjects of an order of protection or have been convicted of a misdemeanor domestic violence offense. A.R.S. § 13-3101 includes a person on probation for misdemeanor domestic violence as a *prohibited possessor*. The court, in issuing an order of protection, may prohibit a defendant from possessing a firearm for the duration of the order if the court finds that the defendant is a credible threat (A.R.S. § 13-3602)

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2224
(Reference to printed bill)

- 1 Page 1, lines 9 and 10, strike ":
- 2 (a)"
- 3 Strike lines 13 through 17
- 4 Line 18, after "WHO" strike remainder of line insert "IS NOT A PROHIBITED
- 5 POSSESSOR"
- 6 Line 19, after "UNDER" insert "STATE OR"
- 7 Line 24, after "NOT" strike remainder of line insert "A PROHIBITED POSSESSOR
- 8 UNDER STATE OR"
- 9 Strike lines 28 through 31, insert:
- 10 "THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE MAY NOT ENACT OR
- 11 IMPLEMENT ANY ADDITIONAL FEE, TAX, ASSESSMENT, LIEN OR OTHER ENCUMBRANCE ON
- 12 THE TRANSFER OF A FIREARM BETWEEN TWO PRIVATE PARTIES WHO ARE NOT PROHIBITED
- 13 POSSESSORS UNDER STATE OR FEDERAL LAW."
- 14 Amend title to conform

EDWIN W. FARNSWORTH

2224FARNSWORTH E2
01/26/2016
09:32 AM
H: kp/ra

Attachment 9

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials <u>KP</u>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON _____ JUDICIARY _____ BILL NO. HB 2224

DATE January 27, 2016 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Friese			✓		
Mr. Hale			✓		
Mr. Kern		✓			
Mr. Mesnard		✓			
Mr. Borrelli, Vice-Chairman		✓			
Mr. Farnsworth E, Chairman		✓			
		4	2	0	0

APPROVED:


EDWIN W. FARNSWORTH, Chairman
SONNY BORRELLI, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 10

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON JUDICIARY

CHAIRMAN: Edwin W. Farnsworth VICE-CHAIRMAN: Sonny Borrelli

DATE	1/20/16	1/27/16	/16	/16	/16
CONVENED	10:00 ^{am}	10:00 ^{am}	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	10:53 ^{am}	10:30 ^{am}			
MEMBERS					
Mr. Friese	✓	✓			
Mr. Hale	✓	✓			
Mr. Kern	✓	✓			
Mr. Mesnard	✓	✓			
Mr. Borrelli, Vice-Chairman	✓	✓			
Mr. Farnsworth E, Chairman	✓	✓			

✓ Present --- Absent exc Excused